



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 11, 2014

1411-VU-04

Exhibit 1

Petition Number: 1411-VU-04

Subject Site Address: 2195 W. 211th Street (the "Property")

Petitioner: William J. Eagleson, Jr. (the "Petitioner")

Request: The petitioner is requesting a Variance of Use to the City of Westfield-Washington Township Unified Development Ordinance (the "UDO") for the property commonly known as 2195 W. 211th Street, Westfield, Indiana 46074. The request is to allow Construction Trade Office (limited only to landscaping contractor) in the AG-SF1: Agriculture / Single-Family Rural District (*Chapter 13: Use Table*).

Current Zoning: AG-SF1: Agriculture / Single-Family Rural District

Current Land Use: Residential

Approximate Acreage: 6.05 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Petitioner's Site Plans
5. Petitioner's Statement of Intent

Staff Reviewer: Jeffrey M. Lauer, Associate Planner

Petition History

This petition is scheduled to receive a public hearing at the November 11, 2014, Board of Zoning Appeals (the "BZA") meeting.

Analysis

Location: The Property is 6.05 acres +/- in size and located on the south side of 211th Street (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District ("AG-SF1").



The Property is improved with a single residential structure and an existing barn, located near 211th Street (see **Exhibit 3**). The surrounding properties are all zoned AG-SF1 and include residential and some commercial activities.[further detail – property to the west..., property to the east..., south..., north...].

Land Use: As summarized in **Exhibit 4** (the “Petitioner’s Statement of Intent”), the Petitioner is requesting a Variance of Use to allow Construction Trade Office. The UDO defines a Construction Trade Office as “[e]lectrical contractors, general contractors, or construction offices, home remodeling companies, septic system contractors, heating and cooling contractors, painting contractors, landscaping contractors, and plumbing contractor offices, and the like, where such use is typically characterized to include some or all of the following aspects: storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space, parking of company vehicles, service areas for equipment and vehicles, warehouse space, showroom space, and/or retail sales”; however, the Petitioner’s requested Variance of Use is specifically to allow the operation of a “landscaping contractor” business to be operated out of the existing barn.

As shown in **Exhibit 4** (the “Petitioner’s Site Plan”), the Petitioner is proposing to use the existing barn and is not proposing to construct any new buildings. The reuse of the existing barn will require interior renovations; however, the Petitioner also anticipates a future expansion to the barn, as shown in **Exhibit 4**. In order to mitigate potential conflicts, the Petitioner has proposed to screen the barn and landscaping contractor operations with shade, evergreen and ornamental trees, and hedges, as shown in **Exhibit 4**.

The UDO provides that the purpose of the AG-SF1 District¹ is to accommodate “agricultural land uses and large-lot Single-family Dwellings.”²

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies this Property within the “Rural Northwest and Northeast”³ land use classification.

The Comprehensive Plan contemplates this area will “continue to have rural uses and a rural appearance: natural open spaces, trees, fields and streams. Predominant land uses will be rural residential, including farmsteads and individual houses on large lots.” The Comprehensive Plan acknowledges that appropriate land uses in Rural Northwest and Northeast of the township are: (i) single-family detached houses on large lots; (ii) accessory dwellings; (iii) equestrian uses; (iv) agricultural, including artisan farms; (v) institutional uses, such as schools, churches, public safety facilities, and similar uses.

¹ Article 4.2 of the UDO.

² Article 4.2.A of the UDO.

³ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).



The development and implementation policies of the Comprehensive Plan for this area includes, among other policies:

- Allow the continuation of the historic rural patterns, including homestead farms, artisan farms, and equestrian uses
- Promote flexible design that maximizes open space by regulating density rather than lot size. This approach will permit a wide range of lot dimensions
- Locate roadways and house lots so as to respect natural features and to maximize exposure of lots to open space
- Encourage appropriate transitions from the villages to the open agricultural land
- Preserve historically significant buildings and resources (barns, houses, etc.)
- Preserve the night sky by limiting lighting

Thoroughfare Plan: A part of the Comprehensive Plan is the Thoroughfare Plan, which is designed to support and facilitate the City's efforts to provide for safe and effective transportation systems within the Township. As such, each major thoroughfare in the Township is classified, based on anticipated future growth. 211th Street is designated on the Thoroughfare Plan as a "Collector," which is the lowest classification for a public right-of-way. The Thoroughfare Plan provides that a Collector be a one hundred (100) foot right-of-way (i.e., fifty (50) foot half right-of-way). As proposed, the existing barn and proposed addition would be located outside of the future right-of-way.

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration to grant a Variance of Use. This petition is scheduled to receive its public hearing at the November 11, 2014, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.



Recommendation

The Department recommends approving 1411-VU-04 based on the findings of this Department Report with the following condition:

1. The Construction Trade Office use shall be limited to a landscaping contractor operation and limited in scope and operation to the Petitioner's Site Plan and Petitioner's Statement of Intent, attached hereto and incorporated herein as **Exhibit 4** and **Exhibit 5**, respectively. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

Recommended Findings of Fact: A Variance of Use may be approved under Indiana Code § 36-7-4-918.4 and the City of Westfield-Washington Township Unified Development Ordinance Article 10.14(G)(1) only upon a determination that:

1. *The use will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested Variance of Use would be injurious to the public health, safety, morals, and general welfare of the community because the use is contemplated and permitted in the community by the Unified Development Ordinance and the operation and design of the use will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent properties will be affected in a substantially adverse manner. The proposed Variance of Use should not have a negative impact on surrounding properties because the use is utilizing existing improvements which are consistent with and compatible with the character of the surrounding area and the operation and design of the use are intended to mitigate the impact on surrounding properties through landscape screening.

3. *The need for the variance arises from some condition particular to the property involved:*



Finding: The Unified Development Ordinance does not allow a “Construction Trade Office” within the AG-SF1 District; however, the existing conditions of the property lend itself to the proposed landscaping contractor business use, which is compatible with other permitted agricultural uses in the AG-SF1 District. .

4. *The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:*

Finding: The Unified Development Ordinance does not allow a “Construction Trade Office” within the AG-SF1 District; however, the existing conditions of the property lend itself to the proposed landscaping contractor business use, which is compatible with other permitted agricultural uses in the AG-SF1 District. . The operation and design of the use will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

5. *Does not interfere substantially with the comprehensive plan:*

Finding: The Comprehensive Plan identifies this property within the “Rural Northwest and Northeast” land use classification. As such, the proposed use is consistent with the Comprehensive Plan’s policies and objectives, including the preservation and reuse of the existing barn, for these land use classifications and does not interfere substantially with the Comprehensive Plan.

The Board of Zoning Appeals shall approve, approve with conditions, or deny conditional uses from the requirements of the Zoning Ordinance. The Board of Zoning Appeals may impose reasonable conditions as a part of its approval.